

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALLERGAN, INC.

v.

TEVA PHARMACEUTICALS USA, INC.,
ET AL.§
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§
§Case No. 2:15-CV-1455-WCB
LEAD CASE

AMENDED DOCKET CONTROL ORDER

The Court, having considered the parties' Joint Motion to Amend Docket Control Order, hereby GRANTS the parties' motion. It is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

August 29, 2017	Unchanged	*Bench Trial – 9:00 a.m. in Marshall, Texas
August 1, 2017	Unchanged	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge William C. Bryson
July 27, 2017	Unchanged	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
July 25, 2017	Unchanged	*File Joint Pretrial Order, Findings of Facts and Conclusions of Law
July 18, 2017	Unchanged	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.

July 11, 2017	Unchanged	Serve Objections to Rebuttal Pretrial Disclosures
June 27, 2017	Unchanged	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
June 13, 2017	Unchanged	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
May 23, 2017	Unchanged	*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
May 2, 2017	Unchanged	Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
May 9, 2017	Unchanged	Deadline to Complete Expert Discovery
April 6, 2017	Unchanged	Serve Disclosures for Rebuttal Expert Witnesses
March 28, 2017	Unchanged	*Deadline to File Letter Briefs Regarding Dispositive Motions
March 2, 2017	Unchanged	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 2, 2017	Unchanged	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
September 15, 2016	Unchanged	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
August 25, 2016	Unchanged	*Claim Construction Hearing –1:30 p.m. in Marshall, Texas before Judge William C. Bryson
August 11, 2016	Unchanged	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)

August 4, 2016	Unchanged	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
July 28, 2016	Unchanged	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
July 14, 2016	Unchanged	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
July 14, 2016	Unchanged	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
June 30, 2016	Unchanged	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 23, 2016	Unchanged	File Response to Amended Pleadings
June 9, 2016	Unchanged	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
June 2, 2016	Unchanged	Comply with P.R. 4-3 (Joint Claim Construction Statement)
May 12, 2016	Unchanged	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
April 21, 2016	Unchanged	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
April 11, 2016	New Date	Defendants deadline to Comply with P.R. 3-8(c) & (d) (Invalidity and Non-Infringement Contentions) concerning U.S. Patent No. 9,248,191.

March 25, 2016	Unchanged	Comply with P.R. 3-8(e) (Disclosure of Asserted Claims and Infringement Contentions for all asserted patents)
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(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Notice of Mediator: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than the deadline for filing letter briefs. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted. Letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

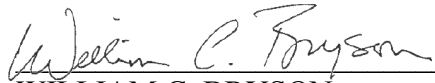
Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other

words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments."

IT IS SO ORDERED.

SIGNED this 16th day of March, 2016.



WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE